

**POLICE CONDUCT OVERSIGHT COMMISSION**  
***Minutes***  
**Regular Meeting May 12, 2015**  
**Starting at 6:00 p.m.**  
**350 Fifth Street, Room 241, Minneapolis, MN 55407**

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**Committee Members Present:** Andrea Brown (Chair), Amran Farah, Jennifer Singleton (Vice Chair) and Laura Westphal.

**Committee Members Absent:** Andrew Buss and Adriana Cerrillo.

**Staff Present:** Michael K. Browne, Director – Office of Police Conduct Review (612) 673-5500. Also present, Legal Analyst Ryan Patrick and Committee Clerk Leda Schuster.

**Chair Brown called the meeting to order at 6:05 p.m.**

**Singleton moved to amend the meeting agenda and move the Public Comment section to the end of the agenda.**

Seconded.

No discussion. All-in favor. None opposed.

**The motion carried**

**Westphal moved to adopt the amended meeting agenda.**

Seconded.

No discussion. All-in favor. None opposed.

**The motion carried**

**Westphal moved to adopt the April 14, 2015 meeting minutes.**

Seconded.

No discussion. All-in favor. None opposed.

**The motion carried**

**NEW BUSINESS**

Chair Brown stated that MPD Policy Changes were planned to be presented by Deputy Chief Arradondo but his presentation was moved to the June PCOC meeting. In the meantime, the OPCR would provide an overview of such changes.

## ***Pending Approval***

### **Minneapolis Police Department Update on Limited English Proficiency Policy**

*Sarah Pherson, OPCR Intake Investigator, addressed the Commission and those in attendance. The following were the main points from her presentation:*

- MPD updated its Limited English Proficiency Policy: the new policy ensures equal access to services for the limited English proficiency individuals and provides clearer direction and protocol for MPD Officers. The previous policy was not as comprehensive.
- The original policy 7-1001.02- provided Officers minimal guidance on when to access language services and how to contact language services. This policy is now gone and being replaced by Policy 7-1001-.
- New policy 7-1001: Limited English Proficiency Policy (LEP): it provides interpreters for most situations. All MPD Officers shall offer language assistance to LEP's they encounter or when requested.
  - Officers should try to determine what language translation is needed
  - Exception for exigent circumstances (i.e. fleeing suspect)
  - MPD, family, friends, bystanders can interpret
- 7-1001.04- No mention of who specifically can interpret, documents or complaints. This policy has been removed and updated with 7-1001.02(IV)(B): Interrogation, Interviews and Complaints-
  - Individual must have interpreter from approved service for interrogations
  - Unlike exigent circumstances cannot be a MPD Officer
  - Family/friends cannot be used to interpret during interrogations or written statements
  - Crime witnesses: interpretation services may be used
  - Vital written materials: translated forms (such as the OPCR Complaint Form), interpretation service, and notice must be in the LEP's language.
- 7-1001.03 Arrest or Detention- Replaced with 7-1001
  - Minimal changes to this section
  - Officers do not need to wait for an interpreter to arrive.
  - Removed: Do not need to tell detention staff that an interpreter is needed.

Chair Brown encouraged members of the Commission to review the policy changes in depth to address any questions when Deputy Chief Arradondo attends to the June PCOC meeting to present about these policy changes.

With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

## ***Pending Approval***

### **Legal and Legislative Update**

*Ryan Patrick, OPCR Legal Analyst, addressed the Commission and those in attendance. The following were the main points from his presentation:*

- SF 498: Body Cameras or “Portable Recording Systems”. The body camera legislation was attached to a bill that primarily focused on limitation of license plate readers (SF 86). Both bills are no longer moving forward and are indefinitely postponed.
- SF 433: Peace officer training to avoid racial bias requirement mandatory once every three years. It has been in the Judiciary Committee for months.
- SF 754: Body Camera Moratorium: Complete prohibition on the usage of body cameras. It has been in the Judiciary Committee for months.
- SF 878 Omnibus Public Safety Bills:
  - Officer Involved Incident Investigations:
    - High profile incidents will be conducted by an outside agency (other law enforcement agency or BCA), submitted to county attorney
    - If no basis to prosecute, release report to the public.
  - Juvenile Justice Reforms
    - Life sentences, use of restraints, diversion programs
  - Changes on the Forfeiture Policies
  - Voting Restoration for those convicted of a felony
- Rodriguez v United States
  - Absent reasonable suspicion, extension of a routine traffic stop to conduct a dog sniff violates the constitution
  - Traffic stop likened to a Terry stop.
  - Must conclude when the officer issues a ticket or releases the subject
  - Does the dog sniff add time to the stop?
- United States v Cotton
  - An officer's reasonable mistake can give rise to permissible reasonable suspicion
  - Reasonable suspicion factors: Presence in a high crime area
  - Keys thrown off a balcony to an unidentified individual near Cotton
  - Unidentified individual not obeying commands to ensure proper internal and external communication is executed.

With the conclusion of the presentation from Ryan Patrick, Chair Brown opened the floor for discussion. The following is a list of the discussion points from commissioners' comments and the speaker's responses:

- A Commissioner asked what it means for the PCOC that the body camera legislation is gone. Patrick noted that the State legislator is not going to define parameters and how body cameras should function. Policy will be developed without State parameters for the time being.
- The Rodriguez case discusses (without ruling upon) the speed in which an officer is able to write a ticket in relation to the duration of the stop.

## ***Pending Approval***

With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

### **Chair's Discussion on Public Comment**

*Andrea Brown, PCOC Chair, took the floor and addressed the Commission and those in attendance. The following were the main points from his presentation:*

- It is important to highlight that the PCOC wants public comment and recognizes how important it is. The PCOC is the only body, if not one of the few ones, that has a regular scheduled public comment section in every single meeting.
- Because of the importance of having public comments, the Commission believes that changes need to be made to improve the way comments are addressed and handled.
- Having public comments at the end of each PCOC meeting is neither efficient nor effective. Many times public comments are not being heard by the people who need to hear them, such the MPD and guest speakers because presenters leave right after their presentation and before the public comments section.
- Therefore, the Chair suggested that the public comment section should be moved at the beginning of the meeting.
- Any insights that community members want to share during the public comments section should be related to the items in the agenda.
- On another hand, there have been many comments from the public regarding the PCOC role and how it relates to auditing the Office of Police Conduct Review. The authority of the PCOC, according to the ordinance, is to help shaping police policy, auditing cases through reviewing case summary data, engaging the community in discussions of police procedures.
- It is concerning that there seems to be a misunderstanding about the role of the PCOC which it is to collect, review and audit summary data in order to identify gaps within policies and being able to drive recommendations and drive meaningful changes.
- There is public concern regarding operational aspects of the OPCR. The Chair encouraged community members to address those issues through the correct outlets: the Director of the Civil Rights Department, the OPCR, the City Council and the Mayor's Office.
- The Chair hopes that the communication between the public and the PCOC becomes more efficient. Community should rest assured that the public comments are being heard. Many issues that are brought up during public comments are addressed during the committees/commission meetings. Finally, the PCOC Chair encouraged the public to read the meeting minutes from the Policy and Procedure and Outreach Committees to learn more about the actions taken from those comments.

## ***Pending Approval***

With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

### **Committee Reports**

#### **A. Policy and Procedure Committee**

*In absence of the Policy and Procedure Committee Chair, Andrew Buss, Commissioner Singleton addressed the Commission. The following are the main points from her report:*

- Recommendations from the Investigatory Stop Report will be presented to the Public Safety, Civil Rights and Emergency Management Committee (PSCR&EM) on May 20.
- Commissioner Buss is still working on the first tier of the training for the Cultural Awareness Study and has a meeting scheduled for that
- Chemical weapons policy was discussed in relation to the prior month's PCOC case summaries.
- The Policy and Procedure April meeting minutes are available online for further details.

#### **B. Outreach Committee**

*Commissioner Singleton, the Committee Chair, addressed the Commission. The following are the main points from her report:*

- Jim Rhodes presented to the Committee on his ideas for community outreach to youth. Mr. Rhodes works with students on career planning and accountability; he is interested in exploring how to adapt this work to issues of police-community relations. Commissioner Westphal is following up with Mr. Rhodes to further develop possible collaboration opportunities.
- The PCOC participated on the Cinco de Mayo celebration on May 10 (also Mother's Day celebration). The PCOC hosted an exhibitor table from 10:00 a.m. to 7:00 p.m. The Committee Chair thanked Commissioner Cerrillo for bringing this outreach opportunity to the PCOC and for all the work she did to make it successful. The event went really well despite of the bad weather. Chief Harteau also attended and participated in the parade. The PCOC table had a lot of activity engaging children and parents. The Commission engaged with more than 250 people. The PCOC Spanish brochures were well received by the community. Overall, it was a very successful event.

## ***Pending Approval***

With no further discussion, Chair Brown gave the floor to Commissioner Westphal to talk about the Spitting and Lurking Ordinance:

- Westphal shared that the City Council is currently looking into repelling the Spitting and Lurking ordinances. A Public Hearing was conducted on May 06 which had a lot of community participation. Commissioner Westphal plans to attend to the May 20 Public Hearing during the PSCR&EM Committee meeting and would like the Commission to be involved in the work around these ordinances.
- There are two reports regarding these ordinances that have been published on the PSCR&EM May-20's meeting agenda with information on how frequently the ordinances are reinforced including racial data. Commissioner Westphal will get more information and get back to the Commission to follow up on this topic.

With no further discussion on the matter, Chair Brown moved to the next item on the agenda.

## **Discussion of April 2015, Selected Case Summary Data**

- **Case Summary #2**
  - Discuss how the de-escalation tactics are implemented.
  - A commissioner asked how complaints are handled after “Failure to Cooperate” from the complainant’s side. OPCR staff stated that the Office is currently looking into a putting a strategy in place to increase the participation rate of complainants when their cases go to investigation. The details are in development and will be shared with the PCOC when completed. The Office is also looking at data to determine the nature of failure to cooperate and identify gaps.
  - Another Commissioner shared her surprise about how the situation escalated inside the Precinct, a place where situations should be handled differently.
  - A Commissioner asked in which situations a case where the complainant fails to cooperate can still move forward. OPCR staff responded that depending on the level of the allegation the complaint could move forward per the Joint Supervisor’s discretion.
- **Case Summary #7**
  - This case involves two complainants who spoke Spanish. A commissioner asked if the statements and interviews handled by OPCR are provided in Spanish. OPCR staff addressed that in fact, those complaints are handled by providing Spanish resources.
- **Case Summary #10**
  - No discussion

Chair Brown moved to the next item on the agenda.

## ***Pending Approval***

### **New Case Selection**

The Chair called for the Commissioners to identify their top three case synopsis choices for June 2015 and asked the Committee Clerk to call the roll. The following are the votes by Commissioners:

|           |   |   |    |
|-----------|---|---|----|
| Brown     | 3 | 5 | 9  |
| Farah     | 3 | 8 | 10 |
| Singleton | 3 | 5 | 9  |
| Westphal  | 5 | 6 | 9  |

Chair Brown indicated the new case selections for discussion at the June 2015 meeting are **cases # 3, 5, and 9** as the top picks, which were then **selected by unanimous consent of the commissioners**.

With no further discussion on the matter, Chair Brown moved to the next item on the agenda

### **PUBLIC COMMENT**

Chair Brown opened the floor for public comment. The following is a list of the members of the public who addressed the Commission and the topics covered in their discussion:

#### *Chuck Turchick:*

- Public Comment and PCOC Operational Rules published online.
- In response to the earlier comments from the PCOC Chair, the “why” questions being referred to the right venues: OPCR, Council, Mayor, etc. Concerned about receiving responses from those outlets. The public deserves to know “why” things are handled in a certain way.

#### *Dave Bicking:*

- Thanked commissioner Singleton for amending the agenda and adding public comments for it.
- Complaint forms in Precincts 4 and 5 are outdated.
- Agrees that public comment should be moved to the beginning of the meeting.
- Disagrees with the statement that PCOC does not audit the OPCR process of handling cases.

#### *Michelle Gross:*

- The role of the PCOC and transparency of the complaint process.
- The Communities United Against Police Brutality organization is currently conducting an analysis on how complaints are processed.

## ***Pending Approval***

- Agrees that public comment should be moved to the beginning of the meeting.
- Disagrees with the statement that PCOC does not audit the OPCR process of handling cases.
- Case 2 and failure to Cooperate. There was enough information to continue addressing the complaint. There are cases that don't necessarily need the complainant to continue with the investigation.

*Lucas DeGracia:*

- Reasons to "failure to cooperate" from the complainant's side speaks to a larger issue around a pattern of community intimidation.
- Interpreting the powers of the PCOC given by the statute versus driving meaningful changes. PCOC should become the voice that delivers positive changes.

With no further public comment, Chair Brown closed the floor for public comment.

## **ADJOURNMENT**

With all of the Commission's business being concluded, the chair entertained a motion:

**Singleton moved to adjourn.**

Seconded. All in favor. None opposed.

**The motion carried.**

**Chair Brown adjourned the meeting at 7:23 p.m.**